



**BILBOROUGH**  
SIXTH FORM COLLEGE

# **EQUALITY AND DIVERSITY POLICY**

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Lead Responsible: Ruth Knight



**A FUTURE LESS ORDINARY**

# EQUALITY AND DIVERSITY POLICY

## 1. POLICY STATEMENT

- 1.1 Bilborough College is committed to an equality of opportunity that is intended to be an integral part of College life. The aim is to create an environment in which people treat each other with mutual respect, regardless of their: sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity or age. Bilborough College will not tolerate behaviour in the form of discrimination, victimisation, harassment or bullying.
- 1.2 Bilborough College is committed to embracing diversity. As a community, it is committed to creating an environment in which all students can reach their potential. As a community we are actively developing and building upon practices and policies which provide equal opportunities for all members of the College Community.
- 1.3 We celebrate diversity and value the differences between individuals within the whole College community.
- 1.4 We actively challenge expressions of prejudice, and seek to rectify any discriminatory practices or behaviour. The aim is to create an environment where the differences are acknowledged and understood, and a workplace and learning environment which enhances their value is developed.
- 1.5 Bilborough College is committed to eliminating discrimination and encouraging diversity amongst our **workforce**. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.
- 1.6 Bilborough College is committed to eliminating discrimination and encouraging diversity amongst our **students**, in terms of educational and other facilities.
- 1.7 We would expect all members of the Bilborough College Community (staff, and students) to respect people's differences; and treat everyone they come into contact with at the College fairly and with dignity.
- 1.8 The guidance will be applicable to all employees and students in the College, Corporation members, contractors, volunteers and visitors.
- 1.9 The College's Equality and Diversity Policy provides for coordination and implementation of all equality and diversity activities at a strategic level and is supported by additional policies that provide for a College-wide integrated approach to equality and diversity.

## **2. AIMS OF THE POLICY**

Some of the ways in which the College will seek to promote Equality and embrace Diversity are as follows:

- We will aim to eliminate discrimination, harassment and victimisation against anyone with protected characteristics;
- We will advance equality of opportunity and foster good relations between all members of the College and the communities we serve;
- We will promote awareness of Equality and Diversity issues through curriculum Delivery
- We will monitor all aspects of our provision with the aim of continuously improving equality of opportunity;
- We will actively challenge expressions of prejudice and take action to stop discriminatory practices or behaviour;
- We will provide appropriate learning support for all those students identified as being in need of it;
- We will continue to develop ways of encouraging students from protected groups to apply to the College;
- We will seek to appoint staff and governors to reflect the diversity of the community we live in;
- we will actively promote the use of Bursary Funding to increase student representation from low-income households;

## **3. IMPLEMENTATION OF THE POLICY**

3.1 The College will regularly measure, review and reinforce the effectiveness of the policy through:

- The cycle of self-assessment/Annual Strategic Plan
- Employee Surveys, Learner Surveys and data analysis
- Collecting and disseminating examples of good practice
- Monitoring activity

3.2 The principles and aims of this policy are supported by a number of equality objectives which are outlined in the College's Strategic Plan.

- 3.3 The Equality & Diversity Policy and equality objectives in the strategic plan will lay the foundation for an annually reviewable action plan.
- 3.3 Equality legislation exists to protect employees and students, and there are a number of College policies and procedures in place to support the legislation. Reference is made to these policies and procedures in this Equality Policy.

#### **4. Roles & Responsibilities**

Bilborough College has worked to eliminate discrimination, advance equality of opportunity and foster good relations across protected characteristics for many years.

The College's Admissions Policy is explicit in welcoming applications from all students within a framework of equality and diversity, regardless of race, gender, disability and all other protected characteristics. We have welcomed opportunities to give access to students with additional needs and disabilities.

The Corporation has identified a governor with specific responsibility for oversight of equality and diversity issues. The Corporation regularly receives monitoring reports relating to progress against equality objectives.

Promotion of EDI is the responsibility of all staff in college and we have an integrated rather than bolt on approach, and EDI issues are a standard agenda item on all college management agendas.

The Senior Leadership Team has the following remit:-

- Overall responsibility for meeting legal requirements regarding Equality and Diversity and determining overall college strategy
- To formulate and monitor progress against equality objectives and identify appropriate action to further objectives
- EDI Monitoring Report/Objective Update is published annually on the website.

#### **The Governing Body**

The governors are responsible for:

- making sure the College complies with its legal duties;
- nominating a governor to lead the Corporation on Equality and Diversity issues.

#### **The Principal**

The Principal is responsible for:

- promoting the Equality and Diversity Policy both inside and outside the institution;
- ensuring that the Equality and Diversity Policy and its procedures are followed.

### **The Assistant Principal (Guidance and Support) and Director of Organisational Development**

They are jointly responsible for:

- oversight of the Policy and annual action plan and overseeing the implementation of the Equality and Diversity Policy;

### **College Managers**

Managers at all levels are responsible for implementing the Equality and Diversity Policy in full. In particular, Curriculum Managers will monitor and report the impact of the Policy in the areas for which they are responsible through the annual self-assessment reporting process.

### **All staff**

All staff are responsible for:

- dealing with incidents relating to bias, discrimination or stereotyping on the basis of all protected characteristics
- challenging any verbal or other discriminatory behaviour used in the classroom or in a learning context;
- making reasonable adjustments when providing a service to those with a disability and not treating these learners less favourably;
- promoting Equality and Diversity for all members of the College;
- showing sensitivity towards, and respect for, cultural diversity within the College community;
- taking appropriate opportunities to celebrate diversity issues both in and out of lessons.

### **Students**

All students at the College must read and abide by the Student Code of Conduct. This requires students to show respect towards all members of the College community regardless of age, disability, gender reassignment, pregnancy and maternity, religion or belief, race, sex and sexual orientation.

### **Contractors and Service Providers**

All contractors and service providers are responsible for following the College's Equality and Diversity Policy, and any related conditions in contracts or agreements. The Policy will be made available to all organisations bidding for a contract and will be provided by Director of Marketing & Information to all successful contractors and service providers as part of the contract process.

## **5. Equality & Diversity – Key areas of Practice**

### **5.1 Admissions and Induction**

As an open access College, admissions are based on the suitability of the student for the courses we offer. The process is entirely transparent and can be accessed on the College website. In cases of serious and unforeseen hardship, extenuating circumstances will be taken into account when considering applications.

Students with learning disabilities are encouraged to apply to the college (see Inclusion statement) and any need for Learning Support is identified and appropriate provision made. Students are informed about the Equality and diversity Policy during induction; Equality and Diversity principles are reinforced throughout the Tutorial programme.

### **5.2 The Curriculum and Tutorial**

Teaching materials should reflect the variety of lifestyles and cultures in Britain (when it is appropriate to the subject being taught), and aim to broaden students' knowledge and experience of world cultures. Teachers are expected to challenge negative stereotypes based on age, disability, gender reassignment, pregnancy and maternity, religion or belief, race, sex and sexual orientation through their teaching. Where teachers have to use teaching and assessment materials which are discriminatory, the teacher should identify and challenge the prejudiced assumptions of these materials.

Teaching approaches used should value the differences between cultures and the diverse backgrounds of the students. The Equality and Diversity practice of all Curriculum Areas will be reviewed annually through the SAR. The college will regularly monitor the performance of difference groups of learners. Curriculum teams and tutors will identify action for improvement and support the College in addressing any underachievement identified.

### **5.3 Staff Recruitment and Conditions of Service**

Recruitment and appointment of staff will be carried out in accordance with legal requirements and good equality and diversity practice. This commitment will be stated in all external job details. Monitoring of all activities that relate to staff recruitment for posts at all levels of the organisation will take place. Applicants with protected characteristics will be encouraged to apply for internal and external posts.

Promoting Equality and an appreciation of Diversity issues will form part of the induction programme for all staff. Extra provision will be made for new and existing staff for the updating of skills and raising awareness where necessary.

#### **5.4 Complaints against the College or members of its community**

Conduct related to any Equality or Diversity issue which is unreasonable or offensive to the recipient will be addressed through the College complaint/disciplinary procedures.

#### **5.5 Data Monitoring**

Data relating to Equality and Diversity is collected and analysed on an annual basis. It includes data on staffing and students in relation to ethnicity, disability and gender. Recruitment, retention and achievement data is analysed on an annual basis for students with a range of protected characteristics. Each curriculum area analyses results in their SARs and if appropriate will incorporate improvements into the Quality Improvement Plans. Learning Support monitors and measures the level of improvement of those students with disabilities who receive learning support. The data collected from monitoring and assessment of Equality and Diversity will be published on an annual basis.

### **6. EQUALITY LEGISLATION – An Overview**

The Equality Act 2010 defines four kinds of **unlawful behaviour** – direct discrimination; indirect discrimination; harassment and victimisation. These definitions are as follows:

- 6.1 Direct discrimination** occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if the College were to refuse to let a student be a member of the Student Exec because she is a lesbian.
- 6.2 Indirect discrimination** occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.

An example would be a requirement for all staff or students to be clean shaven. In this example, whilst the same requirement is applied equally to all, it would particularly disadvantage those of a particular faith. A further example might be holding a parents’ meeting on a Friday evening,

which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be "a proportionate means of achieving a legitimate aim". This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

**6.3 Harassment** has a specific legal definition in the Act - it is "unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person". This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Where colleges are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that the college is free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the college would be on grounds of direct discrimination rather than harassment.

### **Association**

It is unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the student is associated. So, for example, a college must not discriminate by refusing to admit a student because his parents are gay men or lesbians. It would be race discrimination to treat a white student less favourably because she has a black boyfriend

### **Perception**

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a student for being gay will be discriminating because of sexual orientation whether or not the student is in fact gay.

**6.4 Victimisation** occurs when a person is treated less favourably than they otherwise would have been because of something they have done ("a protected act") in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person's complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation



or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation

As well as it being unlawful to victimise a person who does a protected act, a student must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a student must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the college, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

- ✦ **The Protection from Bullying and Harassment at Work Policy & Procedure** states the College's commitment to ensuring a working environment that is free from all forms of bullying and harassment. It also provides full details of the procedure for dealing with complaints of bullying or harassment. When the College considers it appropriate to do so, alleged harassers may be the subject of the College's disciplinary procedures.
- ✦ **The Student Anti-Bullying Policy & Procedure** provides the same commitment and detail for students as that outlined above.

## 6.5 The Curriculum

The Equality Act specifically excludes the content of the college curriculum from discrimination law. However the way in which a college provides education – the delivery of the curriculum – is explicitly included.

This ensures that the College is free to include a full range of issues, ideas and materials in the syllabus, and to expose students to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

However the College needs to ensure that the way in which issues are taught does not subject individual students to discrimination.

An example to explain the distinction between content and delivery of the curriculum as the Act applies is as follows:

A female student complains that putting *The Taming of the Shrew* on the syllabus is discriminatory; or a Jewish pupil objects to having to study *The Merchant of Venice*.

Whilst the content of the curriculum would not give rise to a valid complaint under the Act, if a teacher uses the fact that '*The Taming of the Shrew*' is a set

book to make derogatory generalisations about the inferiority of women, in a way which makes the female students in the class feel belittled this may give rise to a valid complaint that the curriculum is being *delivered* in a discriminatory way.

## **7. EQUALITY LEGISLATION – Protected Characteristics**

### **7.1 Gender reassignment**

It is unlawful for colleges to treat staff and students less favourably because of their gender reassignment and that college must factor in gender reassignment when considering its obligations under the Equality Duty.

Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a student will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

The protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in colleges. That is protection from direct and indirect discrimination and victimisation, which includes discrimination based on perception and on association. The College need to make sure that all gender variant students, or the children of transgender parents, are not singled out for different and less favourable treatment from that given to other students. We should check that there are no practices which could result in unfair, less favourable treatment of such students.

For example, it would be unlawful discrimination for a teacher to single out a student undergoing gender reassignment and embarrass him in front of the class because of this characteristic.

### **7.2 Race**

The definition of race includes colour, nationality and ethnic or national origins. The College needs to make sure that students of all races are not singled out for different and less favourable treatment from that given to other students. The College should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful to impose a higher standard for admission to applicants from an ethnic minority background, or for the College to impose stricter disciplinary penalties on African Caribbean boys than they do in similar circumstances to children from other backgrounds.

The College can take positive action to deal with particular disadvantages affecting students of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.

### **7.3 Religion or belief**

The Equality Act defines "religion" as being any religion, and "belief" as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. These definitions are fairly broad and the concepts of religion and belief therefore must be construed in accordance with Article 9 of the European Convention on Human Rights and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity.

"Religion" will include for example all the major faith groups and "belief" will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholicism or Protestantism within Christianity. It is not however intended to include political beliefs such as Communism or support for any particular political party.

Lack of religion or belief is also included in the definition of "religion or belief". This means it will be unlawful to discriminate against someone on the grounds that they do not adhere, or sufficiently adhere, to a particular religion or belief (even one shared by the discriminator), or indeed any religion or belief at all – such as, for example, an atheist.

Discrimination because of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated.

The Equality Act makes it clear that unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful. So if a Muslim pupil is not chosen for a part in a school play because it is thought to be inappropriate for a girl of that faith, that will be discrimination even if the decision was taken by a Muslim teacher. Nor could a Muslim teacher choose one Muslim pupil over another for a part in the play because he thinks the chosen pupil is a more observant member of his faith and should be rewarded.

The definition of discrimination on grounds of religion or belief does not address discrimination on any other ground (such as race, sex or sexual orientation). The Act does not allow a teacher to discriminate against a pupil because of his own personal religious views about homosexuality or the role of women for example.

## **7.4 Sex/gender**

The College is required to make sure that students of one sex are not singled out for different and less favourable treatment from that given to other students.

They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls.

## **7.5 Pregnancy and maternity**

Protection for students from discrimination because of pregnancy and maternity in schools is covered in the Equality Act. This means it is unlawful for the College to treat a pupil less favourably because she becomes pregnant or has recently had a baby, or because she is breastfeeding. The College is also required to factor in pregnancy and maternity when considering their obligations under the Equality Duty.

## **7.6 Sexual orientation and marriage and civil partnership**

The College needs to make sure that all gay, lesbian or bi-sexual students, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other students. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for a school to refuse to let a gay pupil become a prefect because of his sexual orientation.

Any teaching about marriage must be done in a sensitive, reasonable, respectful and balanced way. Teachers are subject to professional requirements, the college curriculum, college policies, and anti-discrimination duties towards colleagues and students.

No individual teacher, is under a duty to support, promote or endorse marriage of same sex couples. However any relevant teaching should be based on facts and should enable students to develop an understanding of how the law applies to different relationships. Teachers must meet duties under equality and human rights law.

## **7.7 Sexual orientation and religion or belief**

There is a relationship between protection because of sexual orientation and protection of religious freedom. Protection in the area of discrimination on grounds of religion or belief and the right to manifest one's religion or belief is outlined above.

Many people's views on sexual orientation/sexual activity are themselves grounded in religious belief. Teachers have expressed concerns that they may be subject to legal action if they do not voice positive views on same sex relationships, whether or not this view accords with their faith. There are also concerns that schools with a religious character may teach and act in ways unacceptable to lesbian, gay and bisexual pupils and parents when same sex

relationships are discussed because there are no express provisions to prevent this occurring.

Where individual teachers are concerned, having a view about something does not amount to discrimination. So it should not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context (for example when responding to questions from students in a Religious Studies class). However, it should be remembered that College teachers are in a very influential position and their actions and responsibilities are bound by much wider duties than this legislation. A teacher's ability to express his or her views should not extend to allowing them to discriminate against others.

## **7.8 DISABILITY**

The disability provisions in the Equality Act are different from those for other protected characteristics in a number of ways.

The overriding principle of equality legislation is generally one of equal treatment - i.e. that you must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that you may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can.

In the College setting the general principle is that you have to treat male and female, black and white, gay and straight students equally - but you may be required to treat disabled students differently. Discrimination is also defined rather differently in relation to disability.

### **7.8.1 Definition of disability**

The Equality Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

### **7.8.2 Unlawful behaviour with regard to disabled students**

The general definitions in the Equality Act of direct discrimination, indirect discrimination, victimisation and harassment are outlined above. The rather

different and more complex provisions that apply in the case of disability are as follows:

- **Direct discrimination**

A college must not treat a disabled pupil less favourably simply because that student is disabled – for example by having an admission bar on disabled applicants.

- **Indirect discrimination**

The College must not do something which applies to all students but which is more likely to have an adverse effect on disabled students only – for example having a rule that all students must demonstrate physical fitness levels before being admitted to a particular course such as PE – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

- **Discrimination arising from disability**

The College must not discriminate against a disabled student because of something that is a consequence of their disability – for example by not allowing a disabled student on crutches outside at break time because it would take too long for her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.

- **Harassment**

The College must not harass a student because of his disability – for example, a teacher shouting at the student because the disability means that he is constantly struggling with class-work or unable to concentrate.

### **7.8.3 Reasonable adjustments and when they have to be made**

The College has a duty to make reasonable adjustments for disabled people. This duty is summarised as follows:

- Where something the College does places a disabled student at a disadvantage compared to other students then the College must take reasonable steps to try and avoid that disadvantage.
- The College will be expected to provide an auxiliary aid or service for a disabled student when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the student faces in comparison to non-disabled students.

## 8. The Public Sector Equality Duty

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) (sometimes also referred to as the 'general duty') that applies to Colleges and extends to certain protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. This combined equality duty came into effect in April 2011. It has three main elements.

In carrying out its functions, the College is required to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

Age is a relevant characteristic in the College's duties as an *employer*.

In practice, having "due regard" means giving relevant and proportionate consideration to the duty:

- Decision makers in college must be aware of the duty to have "due regard" when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.

For example, deciding when and where to have a college trip may raise a range of considerations: are the facilities for boys and girls equivalent; are they accessible to disabled students; does the date cut across any religious holidays and so exclude some students.

- The College should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis. The significance of those implications will vary depending on the nature of the decision.
- The PSED has to be integrated into the carrying out of the college's functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process.

Advancing equality of opportunity involves, in particular:-

- (a) removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying)
- (b) taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times);
- (c) encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies)

## **9. DIVERSITY – The College’s Commitment**

### **9.1 A DEFINITION**

Diversity encompasses a multitude of areas such as gender, race, disability, physical ability, academic ability, social class, educational background, sexual orientation, religious beliefs, values, age, personality, life experiences and culture. *This list is not exhaustive.*

### **9.2 Diversity in the Workplace**

A diverse workforce can offer a wide range of resources, skills, ideas and energy to the business, providing a competitive edge. Organisations that embrace diversity will reap the benefits of resourcing from a wider pool of talent, broaden their markets, improve productivity and raise the community profile. This is ‘managing diversity’.

Diversity management can benefit the organisation in a number of ways:

- Utilise knowledge of different areas of the community
- Understand market segments and consumer behaviour
- Value and respect employees, attracting and retaining a wider talent pool
- Become an employer of choice
- Improve opportunities within the organisation through internal promotion
- Have a more representative ‘balanced’ workforce
- Have a more representative student base
- Create a more rewarding working environment

### **9.3 Diversity in the learning Environment**

A diverse student population enriches the learning experience for all students as a wider range of knowledge, experiences and beliefs can be drawn upon in the classroom environment. Managing Diversity in the Learning Environment reflects the College’s respect for the diverse backgrounds and experiences of our students and seeks to ensure that diversity is managed in a constructive, creative and productive way so that everyone is encouraged to realise their full



potential in the learning environment, and that their differences are respected and valued.

#### **9.4 THE DIFFERENCE BETWEEN DIVERSITY AND EQUALITY**

Diversity and equal opportunities are often regarded as the same thing. However, there are differences.

- The term 'equal opportunities' has been driven by legislation which aims to ensure that certain groups do not receive less favourable treatment because of their differences. It is about treating everyone equally by adapting to individual needs rather than treating everyone the same.
- The term 'diversity' is about seeing everyone as individuals and valuing the abilities and skills they can bring to an organisation. It does not focus on certain groups specifically but implies that people differences should be valued.
- Managing diversity, as referred to above, is concerned with improving quality within the College, with a focus on qualitative issues and good practice, whereas equal opportunities focuses on improving 'numbers'. This might include increasing the number of women in management positions, or increasing the number of ethnic minorities or raising the age profile.
- Valuing people, and their many diverse qualities, enhances employee and learner potential, therefore enhancing the business. Managing diversity encourages people to reflect on and change their own practises and systems, resulting in a diverse culture. Diversity is not only concerned with keeping within the confines of the law, but would also gradually seek to educate every staff and student member so that discrimination would become a thing of the past.

### **10. The College's Commitment to Equality**

The College will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation on the grounds of any of the protected characteristics covered by the Equality Act.

The College celebrates and values the diversity of its workforce and student population. The College is committed to creating a working and learning environment based on good relations between all employees. To this end, the College aims to include non-stereotypical, diverse images in all materials which it produces. The aim is to create a positive inclusive ethos where issues of stereotyping can be discussed openly, with a shared commitment to respecting diversity and difference, and to encouraging good relations.

The College encourages an openness of approach to all potential job applicants and student applicants. The College is committed to raising the awareness and understanding of equality and diversity amongst its staff and students. The College will provide training for employees to further these aims.

## **Disability**

The College is committed to ensuring equality for students with disabilities and to making appropriate provision for all. It will seek to ensure access to the full range of academic, cultural and social activities it can offer and to ensure that no individual student is disadvantaged in their academic, social or cultural activities due to a disability.

The College is committed to disability equality in employment with particular reference to recruitment and selection; appointment, retention, and dismissal of staff; career development; and harassment.

## **Race**

The College is committed to protecting people from discrimination on the grounds of race, colour, nationality (including citizenship), ethnic origin and national origin, in employment, education, training and the provision of goods, facilities and services.

## **Gender Reassignment**

Bilborough College is committed to the elimination of discrimination on the grounds of gender reassignment or transgender. The College will at no time discriminate against people on the grounds of transvestitism, transexualism, intersex conditions or any process of gender re-assignment, begun or complete. When this policy refers to 'trans people', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth, and the more fluid identities of many trans people.

## **Sexual Orientation and Marriage and Civil Partnerships**

Bilborough College is committed to the elimination of discrimination on the grounds of sexual orientation.

The College is committed to ensuring that those employee benefits provided to an employee's spouse are extended to civil partners; any benefits extended to non-married partners will also be extended to same sex couples who are not in a civil partnership.

## **Religion or Belief**

The College respects the rights of all individuals whether employees or students to hold different religious or philosophical beliefs. In support of this the College will

- Work to create both a working and learning environment, which is welcoming and supportive of people of all religious beliefs
- Respect and, where necessary, provide for the practices, which support the religious beliefs of students and/or employees.

#### Religious Observance

Generally the College imposes no dress code on staff or students. However, there are some requirements as listed below:

- Health and safety requirements may mean that for certain tasks specific items of clothing such as overalls, protective clothing, etc. need to be worn. Where wearing such items conflicts with a religion or belief, the issue will be sympathetically considered by the line manager with the aim of finding a satisfactory but safe compromise.
- Dress should conform to the current majority view in our society of what constitutes decency.
- Wearing clothing with slogans which are considered discriminatory is not permitted.

#### Religious activities during work time (employees)

All staff, regardless of their religious belief or non-belief, are required to work in accordance with their contract. The College will, however, treat sympathetically requests from staff who require flexibility over how the hours are worked. This may relate, for example, to staff who need to pray at certain times of the day, or who may require an extra hour at midday on a Friday.

The appropriate procedure should be followed, either for Special Leave of Absence or Flexible Working. Staff are advised to inform their line manager of religious observance in advance in order that their request can be given due consideration in light of the business need, for example, academic staff should provide notification in advance of teaching timetabling.

#### Special Festivals (employees)

The College acknowledges that owing to current bank and public holidays those of Christian faith are guaranteed time off at Christmas and Easter.

In the interests of equality, the College will support and consider favourably requests from those of other religions to book leave to enable them to celebrate their own special religious festival(s). Where staff can show they are bona fide adherents of any religion or belief and that they require time off for the purposes of a festival relating to that religion or belief, the College's Special Leave Policy allows an additional amount of leave, outside holiday entitlement, in any one year (please refer to the Special Leave Policy for details).

For academic staff, this is subject to requesting the days before teaching timetables are allocated as far as is practicable. Support staff must provide as

much notice as is reasonably practicable, i.e. if the dates are known in advance, requesting the leave as soon as the date of the festival becomes officially known. Where the date of the festival does not become clear until quite close to the actual date of the festival and work commitments or other staff's leave arrangements cause problems in granting the holiday, the College will, by discussion, seek flexibility from all those affected in an effort to find a mutually acceptable compromise which balances the needs of the business and those of the employees.

#### Extended Leave (employees)

Requests for extended leave for the purpose of pilgrimages, or visiting relatives abroad for weddings, births or deaths will be treated sympathetically in accordance with the College Special Leave Policy.

The needs of the business, and extra burden placed on other workers, will be taken into account when considering extended leave requests. If extended leave extends beyond the annual leave entitlement, the granting of any excess days will be on an unpaid basis.

#### Extended Leave (students)

Requests for extended leave during the academic year for the above reasons made by students will also be treated sympathetically.

#### Dietary Requirements

Staff or students who have specific dietary requirements and who bring food in to the college, where such food needs to be stored or heated, should raise any difficulty they may have with their line manager/tutor. Acceptable solutions to any such difficulties will be agreed locally within the department or with staff who may also use the necessary facilities on a joint use basis.

## **11 EQUALITY PRINCIPLES WITHIN EMPLOYMENT**

The College committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment.

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

All job applicants are protected against discrimination throughout every stage of the recruitment process. Any candidate who is treated in a discriminatory way at a selection interview, or who is rejected for employment because of gender, race, etc may bring a complaint of discrimination to an employment tribunal, provided that the claim is lodged within three months of the date of the alleged discriminatory act. Discrimination after employment may also be unlawful, eg

refusing to give a reference for a reason related to one of the protected characteristics.

The College is committed to applying its equal opportunities policy at all stages of recruitment and selection. Shortlisting, interviewing and selection will always be carried out without regard to gender, gender reassignment, sexual orientation, marital or civil partnership status, colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

The College is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Some harassment is unlawful discrimination and serious harassment may be a criminal offence. Employees are required to comply with the **College's Protection from Bullying & Harassment at Work Policy** and failure to do so may result in disciplinary action.

Every employee is required to assist the College to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

### **11.1 Age (Employment specific)**

Age discrimination is unlawful, and applies to all people who apply for work. Direct and indirect age discrimination, harassment and victimisation is prohibited. The mandatory retirement age has been abolished and the College is committed to eliminating age discrimination in all its employment practices.

Bilborough College recognises that people, staff and students, can develop throughout their lives and that an individual's life experiences add value to their role as a member of the College community and their personal learning experiences. In support of this the College will promote actively and support educational achievement for people of all ages and promote positive images of achievement by people of all ages that recognise and celebrate the knowledge and experience, which people bring to their learning throughout life.

### **11.2 The Rehabilitation of Offenders (Employment specific)**

People with criminal records are protected by the Rehabilitation of Offenders Act 1974, which makes it unlawful for an employer to take account of (or be informed of) a person's previous offending history once the conviction has become spent. However, some sentences can not be spent, and others may be 'spent' but still have to be declared if the employment involves nursing, social work, working with children in care or people with learning difficulties, handling money or national security (if relevant).

By virtue of the Exception Order of the Rehabilitation of Offenders Act 1974, it is necessary for the College to be aware of all spent and unspent criminal records for applicants to be appointed/staff appointed to particular posts. The relevant

exempted occupation being work involving contact with children (under the age of 18 years) or vulnerable adults such as the infirm, elderly or mentally ill.

Further details are outlined in the **College's Recruitment and Selection Policy and Procedure.**

### **11.3 Work Life Balance & Policies relating to Family & Dependants.**

The College has a commitment to work life balance and has a number of support systems in place. The relevant regulations relating to specific areas of employment will be covered in the individual policies and procedures as referred to below).

#### **✦ Maternity**

The College administers not only the statutory maternity scheme but also an occupational maternity scheme. For more information of entitlements please refer to the *College's Maternity Policy and supporting Guidance Notes.*

#### **✦ Paternity**

The College administers both the statutory and a contractual paternity scheme; this is subject to eligibility and notification criteria. For more information of entitlements please refer to the *College's Family and Dependants' Leave Policy and Procedure.*

#### **✦ Adoption**

The College administers both an ordinary adoption scheme and an occupational adoption scheme. For more information on eligibility, entitlements and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure.

#### **✦ Parental**

Parental leave is an entitlement for all employees of the college, providing they have the necessary qualifying service, to take time off work to care for a child. The leave is unpaid. For more information on eligibility, entitlements and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure. *For further details on the new **shared parental leave** provisions please contact a member of the HR Team.*

#### **✦ Dependants Leave**

Employees have the right to take dependants leave during working hours. The right applies to all employees regardless of length of service, hours worked, permanent or temporary. For more information on eligibility, criteria and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure.

✦ **Flexible Working**

Bilborough College will give serious consideration to all reasonable requests for flexible working in accordance with The Flexible Working (procedural requirements) Regulations 2002 and the Flexible Working (eligibility, complaints and remedies) Regulations 2002. For more information on the criteria and circumstances under which such requests may be made please refer to *the College's Flexible Working (The Right to Apply) Policy and Procedure.*

✦ **Compassionate Leave**

Compassionate leave is available to all staff regardless of length of service. It is intended to assist staff in the event of bereavement or serious illness of a close family relative. For more information on eligibility, criteria and notification procedures please refer to the College's Family and Dependants Leave Policy and Procedure

✦ **Special Leave**

In addition to holiday leave, leave as a result of sickness or maternity, or family and dependants leave, there may be some other reasons why a member of staff needs to be absent from work which the College would be willing to support. For more information on eligibility, criteria and notification procedures please refer to the Special Leave of Absence Policy and Procedure.

✦ **Job Share**

Bilborough College will consider job sharing as a means of exploring the scope to open up, wherever possible, a much wider range of part time opportunities. For more information on eligibility and criteria please refer to the *College's Job Share Policy.*

#### 11.4 **Recruitment and Selection**

- ✦ The College has a *Recruitment and Selection Policy and Procedure* which is applied in relation to all recruitment and selection processes, whether the posts are permanent, temporary or fixed term. It also applies to secondments and internal development opportunities where appropriate. The Policy and Procedure is thoroughly and regularly reviewed to ensure that all aspects of equality and diversity have been considered.

#### 11.5 **Promotion and Career Development**

- ✦ The College, where possible, will offer promotional and career development opportunities for existing staff. To ensure equality and a fair process the recruitment and selection procedure of the College is operated.

## 11.6 Training

- ✦ All staff are entitled to receive training and attend training events (both internal and external inset events). Training might be qualification or non qualification based, compulsory as part of the role or may support continuing professional development for an employee.
- ✦ All requests are considered on the basis of the need and relevance to the job being undertaken by the employee, and also budgetary considerations. A request will only be declined, postponed or offered on a conditional basis for legitimate business reasons.

## 11.7 Equal Pay

- ✦ Bilborough College is committed to ensuring that all employees receive fair treatment and equal pay at work. The principle of equal pay for male and female employees for equal work of equal value will be applied. Any job classification or evaluation system will be drawn up according to this principle.

## 12. EQUALITY PRINCIPLES WITHIN TEACHING AND LEARNING

The College is committed to equality and diversity within the teaching and learning environment, as described in the following areas.

### 12.1 Student Admissions

The College aims not only to select students who have the ability and motivation to benefit from the courses which they intend to follow and who will make a contribution to college life, but also to ensure that no prospective or existing student is treated less favourably on any grounds stated in this policy. For further information see the College's Admissions Policy.

### 12.2 Widening Participation

The College is committed to widening participation in education and to enabling access to the college for a diverse range of students. The College's Widening Participation Strategy demonstrates this commitment.

### 12.3 Course Provision

The College will aim to make courses accessible to as wide a range of students as possible via increased flexibility, modularisation of programmes, in accordance with the philosophy and practice of inclusive learning.



## **12.4 Teaching, Learning and Assessment**

The College values the diversity of backgrounds and experiences that students bring to the academic environment of the College and is committed to meeting the needs of a diverse and changing student body. The College aims to ensure that all teaching, learning and assessment strategies are equitable, undertaken with awareness of the different needs of students, and are directed towards the encouragement of academic and personal development.

The College recognises the importance of encouraging diversity to be reflected in the content of courses, teaching methods and forms of assessment as reflected in the College Charter

## **12.5 Careers Guidance**

The College will provide impartial educational careers guidance and counselling to all students and ensure that they receive appropriate learning support to meet their individual needs.

## **12.6 Facilities and Services**

All facilities and services provided by or in association with Bilborough College should operate in accordance with the College's Equality and Diversity Policy. This includes catering facilities, sports provision, retail outlets, conference and social activities.

## **12.7 Student Support**

Support to students will be available through their Personal Tutor or Senior Tutors. Alternatively students may seek advice from Student Support, Learning Support, The Wellbeing Coach and/or the College Counselling Service. Specific support will be provided where reasonably practicable to enable a student with a difficulty /disability to use particular facilities or services.

## **12.8 Monitoring**

The College will monitor all students and potential students in order to inform the setting of targets and the measurement of our progress in achieving them. In particular the age, gender, disability and racial group profile of students in:

- Applications - success and failure rates for admission to programmes
- Retention rates
- Achievement rates
- Success rates

- Destination data
- Complaints
- Levels of student satisfaction

### **13. ACTION PLANNING**

- ✦ The College undertakes to follow positive action measures as allowed by law to rectify disadvantages in employment or education provision revealed by monitoring.

### **14. PUBLICISING OUR POLICY**

- ✦ We will publish to our Equality & Diversity Policy to the public (including students, work placement providers and staff).
- ✦ Our commitment to equality and diversity will be highlighted in our prospectus, annual report and annual financial statement.
- ✦ All staff will be advised of their specific responsibilities in relation to equality and diversity. The staff induction programme will highlight the college's commitment to equality and diversity, action to be taken by staff who suffer discrimination or harassment and the action to be taken against any perpetrators of such discrimination.
- ✦ A copy of the Equality & Diversity Policy is included on the student portal, and a summary is included on the student planner which is issued to all students at induction.

### **15. COMPLAINTS OF DISCRIMINATION OR HARASSMENT**

The college will seek to provide a supportive environment for staff or students who make claims of discrimination or harassment. Acts of discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence.

15.1 Staff who feel they are being discriminated against on any of the grounds set out in this policy by other members of staff should raise the matter under the Grievance Procedure or the Protection from Bullying and Harassment at Work Procedure as appropriate, which will, if the accusation is upheld, be treated as a serious disciplinary offence.

If, in the course of their work, college staff suffer discrimination from members of the public, the college will take appropriate action and provide appropriate support.

Any discriminatory behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

15.2 Students who feel they are being discriminated against on any of the grounds set out in this policy by other students should raise the matter under the College's Student Grievance Procedure or the Student AntiBullying Policy as appropriate, which will, if the accusation is upheld, be treated as a serious disciplinary offence.

Any discriminatory behaviour directed against students by staff will be dealt with under the staff disciplinary procedure.

## **16. STATUS, REVIEW AND EVALUATION / MONITORING**

16.1 This policy has been agreed by the Corporation.

16.2 The Policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice, by the College Equality & Diversity Working Group.

16.3 As part of the review the Equality & Diversity Working Group will seek and take into account the views of stakeholders including the consultation/ negotiating arrangements within the college, and appropriate equality bodies.

## **17. SOURCES OF HELP AND INFORMATION**

### Employees

There are several options available for staff if they wish to talk to someone regarding any aspect of the College's Equality & Diversity Policy or related issue. These include any member of the Senior Management Team, their line manager, a member of the Human Resources Team, Union representatives from the College's recognised trades unions (UNISON, NASUWT, NUT, ATL and AMiE) and the College's Fair Treatment Advisors.

### Students

There are several options available for students if they wish to talk to anyone regarding any aspect of the College's Equality & Diversity Policy or related issue. These include their tutor, a Senior Tutor, the Assistant Principal (Guidance & Support) or a member of the student support team. Students can also seek advice from any member of the College's Senior Management Team.